

## ATTORNEY GENERAL[61]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 537.6117, the Attorney General (the Department) hereby gives Notice of Intended Action to amend Chapter 22, “Notification and Fees,” Iowa Administrative Code.

The Attorney General serves as the Administrator of the Iowa Consumer Credit Code (ICCC). The duties of the Administrator include receiving and acting on complaints, taking action to obtain voluntary compliance with the ICCC, bringing ICCC enforcement proceedings, counseling on duties under the ICCC, and educating on consumer credit. Under the provisions of Iowa Code section 537.6203, the Department, in order to partially fund its role as Administrator, collects various fees from creditors and debt collectors operating in the state of Iowa. These fees include a late charge from any creditor or debt collector who fails to pay the required annual fees in full within 30 days after their due date.

The proposed amendment increases the amount of the late charge assessed by the Department from \$25 to \$75. The proposed amendment corresponds with Iowa Code section 537.6203(4) as amended by 2017 Iowa Acts, Senate File 502. The General Assembly increased the maximum amount that may be assessed as a late charge from \$25 to \$75, effective July 1, 2017. The proposed amendment to subrule 22.6(1) increases the late charge assessed by the Department accordingly.

It should be noted that this is only one of several ICCC fee increases allowed by the General Assembly in Senate File 502. Other increases that occurred automatically by statute include the following: the annual notification fees paid by creditors and debt collectors to the Department, late fees charged to consumers, penalties charged to creditors and debt collectors, and fees which creditors are entitled to charge. The statutory amounts of these fees had remained largely unchanged for over 40 years.

The proposed amendment is not subject to waiver.

Any interested person may make written suggestions or comments on the proposed amendment on or before October 3, 2017. Such written materials should be directed to Jessica Whitney, Special Assistant Attorney General, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319; fax (515)281-4313; or by e-mail to [jessica.whitney@iowa.gov](mailto:jessica.whitney@iowa.gov). Persons who wish to convey their views orally should contact Jessica Whitney at (515)281-8772.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 537.6203(4) as amended by 2017 Iowa Acts, Senate File 502.

The following amendment is proposed.

Amend subrule 22.6(1) as follows:

**22.6(1) *Late charge.*** The administrator may collect a late charge of ~~\$25~~ \$75 from any party subject to Iowa Code sections 537.6201 to 537.6203 who has failed to pay the required fees in full within 30 days after their due date.